

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address JAMIE LYNN GALLIAN 16222 MONTEREY LANE UNIT 376 HUNTINGTON BEACH, CA 92649 (714)321-3449 JAMIEGALLIAN@GMAIL.COM	FOR COURT USE ONLY
<input checked="" type="checkbox"/> <i>Movant(s) appearing without an attorney</i> <input type="checkbox"/> <i>Attorney for Movant(s)</i>	
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</b>	
In re: JAMIE LYNN GALLIAN	CASE NO.: 8:21-bk-11710-ES CHAPTER: 7
	<b>DECLARATION THAT NO PARTY REQUESTED A HEARING ON MOTION LBR 9013-1(o)(3)</b>
Debtor(s).	[No Hearing Required]

1. I am the ☒ Movant(s) or ☐ attorney for Movant(s) or ☐ employed by attorney for Movant(s).
2. On (date): 10/07/2022 Movant(s) filed a motion or application (Motion) entitled: DEBTORS NOTICE OF MOT and Motion To Avoid Lien under 11 U.S.C. §522(f); Notice of Opportunity to Request a Hearing [DOC 244-245]
3. A copy of the Motion and notice of motion is attached to this declaration.
4. On (date): 10/07/2022 Movant(s), served a copy of ☐ the notice of motion or ☒ the Motion and notice of motion on required parties using the method(s) identified on the Proof of Service of the notice of motion.
5. Pursuant to LBR 9013-1(o), the notice of motion provides that the deadline to file and serve a written response and request for a hearing is 14 days after the date of service of the notice of motion, plus 3 additional days if served by mail, or pursuant to F.R.Civ.P. 5(b)(2)(D) or (F).
6. More than 35 days have passed after Movant(s) served the notice of motion.
7. I checked the docket for this bankruptcy case and/or adversary proceeding, and no response and request for hearing was timely filed.
8. No response and request for hearing was timely served on Movant(s) via Notice of Electronic Filing, or at the street address, email address, or facsimile number specified in the notice of motion.

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

9. Based on the foregoing, and pursuant to LBR 9013-1(o), a hearing is not required.

Movant(s) requests that the court grant the motion and enter an order without a hearing.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Date: 11/10/2022

Jamie Lynn Gallian  
Signature

JAMIE LYNN GALLIAN  
Printed name

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
5801 Skylab Road  
Huntington Beach, CA 92647

A true and correct copy of the foregoing document entitled: **DECLARATION THAT NO PARTY REQUESTED A HEARING ON MOTION [LBR 9013-1(o)(3)]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 11/10/2022, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:**

On (date) \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

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3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 11/10/2022, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

JANINE B JASSO, ESQ.  
EMAIL ADDRESS: J9\_JASSO@YAHOO.COM

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

11/10/2022  
Date

ROBERT MCLELLAND  
Printed Name

Robert McLelland  
Signature

JAMIE LYNN GALLIAN  
16222 MONTEREY LANE UNIT 376  
HUNTINGTON BEACH, CA 92649  
(714)321-3449  
JAMIEGALLIAN@GMAIL.COM

DEFENDANT IN PRO PER

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

In re

JAMIE LYNN GALLIAN,  
  
Debtor.

HUNTINGTON BEACH GABLES  
HOMEOWNERS ASSOCIATION

Plaintiff

VS.

JAMIE LYNN . GALLIAN  
Defendant

Case No. 8:21-ap-01095-SC

Chapter 7  
DECLARATION IN SUPPORT OF  
DEBTOR'S REQUEST THE COURT  
ENTER AN ORDER WITHOUT A  
HEARING, NO TIMELY REQUEST  
FOR HEARING AND SUPPORTING  
DOCUMENTS HAVE NOT BEEN  
TIMELY SERVED ON THIS IN PRO  
PER

Hearing Date: November 15, 2022  
Time: 11:00 A.m.

Ctrm: 5C Virtual ZOOMGov  
Address: 411 W. Fourth Street  
Santa Ana, CA 92701

TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY

Jamie Lynn Gallian ("MOVANT") respectfully submits this 2nd Reply to HOA  
Preliminary Opposition filed October 21, 2022, DOC 255,

**DECLARATION OF JAMIE LYNN GALLIAN**

On October 7, 2022, Gallian filed an Amended Motion to Avoid Liens under 11 U.S.C.  
522(f) DOC 244. Additionally Gallian filed a notice of Opportunity to Request a Hearing.  
attached to the Opportunity to Request Hearing was the Motion to Avoid Lien. Additionally  
8/30/2022, the attorney for the HOA Brandon J. Iskander filed Declaration DOC 205  
representing and requesting Ms Gallian previous Motion 522(f), DOC 147, 135, be denied  
without prejudice. DOC 205.

The documents were docketed in Gallian's bankruptcy main case as Doc 244 and Doc 245.

The Motion and Notice Opportunity to Request a Hearing were electronically served by the Court Via Notice of Electronic Filing (NEF) including attorney for Huntington Beach Gables Homeowners Association attorney(s) Robert P. Goe and Brandon Iskander listed on the proof of service attachment of names included on the NEF system in Gallian's Bankruptcy case.

On October 21, 2022, Ms. Gallian uploaded to the Drop Box Notice Declaration that No Party Requested 260 pages, Docket as 253.

On October 21, 2022, Ms Gallian uploaded to the DropBox **Notice of Lodgment of Order with a Copy of the Proposed Order** for consideration into Bankruptcy Case. Docket as 254. .

On October 21, 2022, at 1:25p Huntington Beach Gables electronically filed DOC 255 entitled **"PRELIMINARY OPPOSITION TO AMENDED MOTION TO AVOID LIEN (DOCKET 255)** On Page 2, Line 6,DOC 255, the Huntington Beach Gables Homeowners Association beginning on Page 2, Line 5, states **"There are several issues with the "Amended Motion that the HOA will raise on or before November 1, 2022, which is the deadline for the HOA to respond."**

Under the Heading **Conclusion within Doc 255 the HOA writes the following:** Wherefore, notice is hereby given that the HOA opposes the Amended Motion to Avoid Liens (Docket 244) in an opposition to be filed on or before November 1, 2022. Based on legal authority and evidenciary support to be filed-including the fact that the orifinal Motion that Debtor seeks to amend was already denied months ago-the "Amended" Motion must be denied and no order approving it entered before the November 15, 2022 hearing.

Prior to Ms. Gallian recording the second Declaration that No Party Requested a Hearing today November 9, 2022, I ask the court to take judicial notice of Docket No. 261 & 262. filed by the Huntington Beach Gables Homowners Association. Ms. Gallian was not served prior to the last dated of filing November 1, 2022. Ms. Gallian should have been served no later that October 27, 2022. The envelope that Ms Gallian received on November 5, 2022 was postmarked on November 2, 2022. Therefore, service of docs is untimely. Ms, Gallian requests the Court enter an Order approving the Motion to Avoid Liens under 11 U.S.C. 522(f) with prejudice. DOC 244. I declare under penalty of perjury the foregoing is true and correct.

Date: November 9, 2022

*Jamie Lynn Gallian*  
2 JAMIE LYNN GALLIAN,  
Defendant, In Pro Per

# Exhibit 1

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Jamie Lynn Gallian  
16222 Monterey Ln Unit 376  
Huntington Beach, CA 92649



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Jamie Lynn Gallian  
16222 Monterey Ln Unit 376  
Huntington Beach, CA 92649



## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
5801 Skylab Road, Huntington Beach, CA 92647

A true and correct copy of the foregoing document entitled: **DECLARATION THAT NO PARTY TIMELY REQUESTED A HEARING; DECLARATION THAT OPPOSITION PAPERS WERE NOT TIMELY SERVED BY U.S. MAIL UNTIL [AFTER] NOVEMBER 2, 2022; REQUEST COURT ENTER ORDER WITHOUT ARGUMENT.** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **November 10, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

**XX** Service information continued on attached page  
☒

**2. SERVED BY UNITED STATES MAIL:** On \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:** Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **November 10 2022**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

JANINE B.JASSO, ESQ.  
EMAIL ADDRESS:  
J9\_JASSO@YAHOO.COM

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

☐

November 10, 2022  
Date

Robert McLelland  
Printed Name

*Robert McLelland*  
Signature

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** CONTINUED:

2.

- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Aaron E DE Leest adeleest@DanningGill.com, danninggill@gmail.com; adeleest@ecf.inforuptcy.com
- **ATTORNEY FOR CREDITOR and PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION:** Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com; goeforecf@gmail.com
- **TRUSTEE JEFFREY I GOLDEN (TR):** Jeffrey I Golden (TR lwerner@wglp.com, jig@trustesolutions.net; kadele@wglp.com
- **ATTORNEY FOR PLAINTIFF HOUSER BROS. CO.:** D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
- **ATTORNEY FOR CREDITOR and PLAINTIFF THE HUNTINGTON BEACH GABLES HOMEOWNERS ASSOCIATION:** Brandon J Iskander biskander@goeforlaw.com, kmurphy@goeforlaw.com
- **ATTORNEY FOR TRUSTEE JEFFREY I GOLDEN (TR):** Eric P Israel eisrael@DanningGill.com, danninggill@gmail.com; eisrael@ecf.inforuptcy.com
- **ATTORNEY FOR PLAINTIFF HOUSER BROS. CO.:** Laila Masud lmasud@marshackhays.com, lmasud@ecf.courtdrive.com; kfrederick@ecf.courtdrive.com
- **ATTORNEY FOR DEFENDANT RANDALL L NICKEL:** Mark A Mellor mail@mellorlawfirm.com, mellormr79158@notify.bestcase.com
- **INTERESTED PARTY COURTESY NEF:** Valerie Smith claims@recoverycorp.com
- **U.S. TRUSTEE:** United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov